

JUDGE CROTTY

TJT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

GUI HONG CHEN,
a/k/a "Silly Boy,"

Defendant.

INDICTMENT

07 Cr.
07 CRIM 325

COUNT ONE

The Grand Jury charges:

1. From at least in or about February 2006, up through and including in or about November 2006, in the Southern District of New York and elsewhere, GUI HONG CHEN, a/k/a "Silly Boy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Sections 2342, 2315, and 2320(a).

2. It was a part and an object of the conspiracy that GUI HONG CHEN, a/k/a "Silly Boy," the defendant, and others known and unknown, would and did ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, to wit, a quantity in excess of 10,000 cigarettes sold in New York State that bore no evidence of the payment of applicable New York State

cigarette taxes, in violation of Title 18, United States Code, Section 2342.

3. It was further a part and an object of the conspiracy that GUI HONG CHEN, a/k/a "Silly Boy," the defendant, and others known and unknown, would and did receive, possess, conceal, store, barter, sell, and dispose of a falsely made, forged, altered, and counterfeited tax stamp, which was a part of, and which constituted interstate and foreign commerce, knowing the tax stamp to have been so falsely made, forged, altered, and counterfeited, in violation of Title 18, United States Code, Section 2315.

4. It was further a part and an object of the conspiracy that GUI HONG CHEN, a/k/a "Silly Boy," the defendant, and others known and unknown, would and did traffic in goods and knowingly use a counterfeit mark on and in connection with such goods, to wit, cigarettes manufactured in China bearing the counterfeit trademarks of "Marlboro" and "Marlboro Light," among others, in violation of Title 18, United States Code, Section 2320(a).

OVERT ACTS

5. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

a. On or about July 26, 2006, GUI HONG CHEN, a/k/a "Silly Boy," the defendant, drove through the Bronx, New York, while following a truck transporting contraband cigarettes.

b. On or about July 26, 2006, in Queens, New York, GUI HONG CHEN, a/k/a "Silly Boy," the defendant, distributed approximately 5,200 cartons of counterfeit cigarettes.

c. On or about August 4, 2006, in Queens, New York, CHEN distributed approximately 6,740 cartons of counterfeit cigarettes.

d. On or about August 30, 2006, in Queens, New York, CHEN distributed approximately 2,000 cartons of counterfeit cigarettes.

e. On or about August 30, 2006, in Queens, New York, CHEN distributed approximately 30,000 counterfeit Virginia cigarette tax stamps.

f. On or about August 30, 2006, in Queens, New York, CHEN distributed approximately 30,000 counterfeit New York cigarette tax stamps.

g. On or about October 4, 2006, in Kentucky, CHEN sold approximately 90,000 counterfeit New York cigarette tax stamps for approximately \$36,300.

h. On or about November 8, 2006, in Queens, New York, CHEN distributed approximately 50,000 counterfeit Kentucky

cigarette tax stamps.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

6. From at least in or about February 2006, up through and including in or about November 2006, in the Southern District of New York and elsewhere, GUI HONG CHEN, a/k/a "Silly Boy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, to wit, CHEN received and distributed a quantity in excess of 10,000 cigarettes that bore: (a) no evidence of the payment of applicable cigarette taxes; (b) counterfeit tax stamps; and (c) tax stamps for a jurisdiction other than the jurisdiction in which the cigarettes were received and distributed.

(Title 18, United States Code, Sections 2342 and 2.)

COUNT THREE

The Grand Jury further charges:

7. From at least in or about February 2006, up through and including in or about November 2006, in the Southern District of New York and elsewhere, GUI HONG CHEN, a/k/a "Silly Boy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did receive, possess, conceal, store, barter, sell, and dispose of falsely made, forged, altered, and

counterfeited tax stamps, which were a part of, and which constituted interstate and foreign commerce, knowing the tax stamps to have been so falsely made, forged, altered, and counterfeited, to wit, CHEN received and sold counterfeit tax stamps purportedly issued from a variety of jurisdictions, including New York State and the Commonwealth of Virginia.


(Title 18, United States Code, Sections 2315 and 2.)

COUNT FOUR

The Grand Jury further charges:

8. From at least in or about February 2006, up through and including in or about November 2006, in the Southern District of New York and elsewhere, GUI HONG CHEN, a/k/a "Silly Boy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did traffic and attempt to traffic in goods and knowingly use a counterfeit mark on and in connection with such goods, to wit, CHEN trafficked in cigarettes manufactured in China bearing the counterfeit trademarks of "Marlboro" and "Marlboro Light," among others.

(Title 18, United States Code, Sections 2320(a) and 2.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

GUI HONG CHEN, a/k/a "Silly Boy,"

Defendant.

INDICTMENT

07 Cr. ()

(18 U.S.C. §§ 371, 2342, 2315,
2320(a), and 2.)

MICHAEL J. GARCIA

United States Attorney.

A TRUE BILL

Armenian Clifford
Foreperson.

RC
4/18/07

*Indictment filed, case assigned
to Judge Crotty.*

F. Maas, USMT